

AO 91 (Rev. 11/11) Criminal Complaint

FILED
At Albuquerque NM

JUN 05 2014

MATTHEW J. DYKMAN
CLERK

UNITED STATES DISTRICT COURT

for the

District of New Mexico

United States of America)

v.)

KENNETH ULIBARRI)

Case No. 14-MJ-1932

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 4, 2014 in the county of Bernalillo in the
District of New Mexico, the defendant(s) violated:*Code Section*

21 U.S.C. 841 (a)(1) and (b)(1)(B)

Offense Description

Distribution of 100 grams and more of a mixture and substance containing a detectable amount of Heroin.

This criminal complaint is based on these facts:

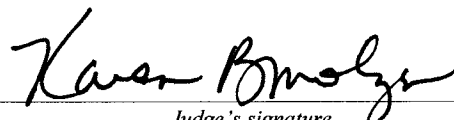
See Attached Affidavit

☒ Continued on the attached sheet.
Complainant's signature

Geoffrey M. Raby FBI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: June 5, 2014City and state: Albuquerque, New Mexico*Judge's signature*
KAREN B. MOLZEN
U.S. MAGISTRATE JUDGE*Printed name and title*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA)

Plaintiff,)

vs.)

Kenneth Ulibarri)

Year of birth: 1978)

Defendant.)

Case No. _____

AFFIDAVIT

I, the undersigned, being duly sworn, hereby depose and state as follows:

1. I am a Special Agent of the Federal Bureau of Investigation (FBI), United States Department of Justice. I have been so employed since September 12, 2010. I am therefore authorized to investigate federal criminal offenses. I have received training in federal narcotics investigations, including drug identification, investigation of drug and money laundering statutory violations, and I have also participated in several long-term and ongoing investigations of drug trafficking organizations. I am the case agent for the criminal investigation described below, which I believe provides sufficient probable cause for the arrest upon criminal complaint of KENNETH ULIBARRI.

2. On May 16, 2014, a FBI Confidential Human Source (CHS) arranged to purchase 4 ounces of heroin from Kenneth ULIBARRI. A predetermined location was agreed upon to meet and conduct the drug transaction. Prior to the meeting with ULIBARRI, the CHS met with FBI Special Agent (SA) Geoffrey M. Raby and FBI SA Marcus Washington. Agents searched the CHS and CHS's property for money and/or contraband and did not locate any. Agents provided the CHS with \$3,200 in official funds


and a recording device. Agents instructed the CHS to travel directly to the meet location and conduct the controlled purchase of 4 ounces of heroin from ULIBARRI. While under surveillance of the agents, the CHS travelled to the meet location and waited for ULIBARRI. ULIBARRI arrived in a white Nissan Titan, New Mexico license plate 989SHW. Agents observed the CHS enter the Titan and meet with ULIBARRI. Agents were able to positively identify ULIBARRI as being the driver of the Titan through surveillance

3. After meeting with ULIBARRI, the CHS traveled to a pre-determined location and met with FBI SA Jordan Hadfield and SA Washington. The CHS provided four individually wrapped balls of a brown substance. The substance appeared to be consistent with heroin. The CHS told agents that the CHS had met with ULIBARRI in the Nissan Titan, and that the CHS purchased the suspected heroin from ULIBARRI for \$3,200 in official funds. The CHS provided the recording device to agents. Agents searched the CHS and the CHS' property, and no additional money or contraband was located during this search. The suspected heroin was later field tested and yielded a positive result for heroin. The total seized weight for the heroin purchased was in excess of 100 grams.

4. Based on the information set forth in this affidavit, I respectfully submit that there is probable cause to believe that KENNETH ULIBARRI knowingly and intentionally distributed 100 grams and more of a controlled substance, that being a mixture and substance containing a detectable amount of heroin, in violation of Title 21, United States Code, Section 841 (a)(1) and (b)(1)(B).

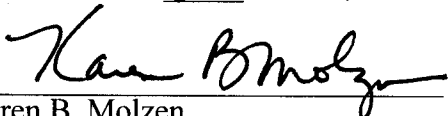
I swear that this information is true and correct to the best of my knowledge,
information and belief.

Respectfully submitted,



GEOFFREY M. RABY
Special Agent
Federal Bureau of Investigation

Subscribed to and sworn to
before me, this 5th of June, 2014



Karen B. Molzen
Chief United States Magistrate Judge
Albuquerque, New Mexico